

Page 9, line 1, delete "member"; and after "26" insert --shown in Figure 7--;

line 11, change "341 to 345" to --34¹ to 34⁵--;

line 15, delete "particular seal arrangement" and insert --arrangement of a flexible seal--;

line 18, change "341" to --34¹--;

line 21, change "342" to --34²--;

line 22, change "345" to --34⁵--;

line 23, change "341" to --34¹;

line 29, change "342 to 345" to --34² to 34⁵.

Page 10, line 4, change "342 and 344" to --34² and 34⁴--;

line 8, change "component" to --central piece--.

REMARKS

Claims 1-17 are considered in the outstanding Official Action, with the Examiner indicating that claims 11 and 12 have been withdrawn from consideration. Claims 1-17 remain in this application.

The Examiner treats the election of invention in Paper No. 8 as being "without traverse" in both section 1 and again in section 8 of the Official Action.

Applicant notes that on page 1, line 3 of the Response to Restriction Requirement applicant noted that the election was "with traverse."

The drawings stand objected to as failing to comply with Rule 84(p)(5). It is noted that, through typographical errors on pages 9 and 10 of applicant's specification, the numbers 34¹ through 34⁵ were written as 341-345. The amendment to this portion of the specification has been made to correct these typographical errors. The drawings are accordingly believed to comply with the requirements of Rule 84.

In section 3 of the Official Action, the Examiner suggests the application was filed with "informal" drawings. Applicant respectfully traverses this contention and notes that there is no indication in the application of how or in what manner these drawings are informal. However, applicant encloses herewith redrawn formal drawings which are submitted for the Patent Office consideration. Should the Examiner or the Chief Draftsman believe there to be any informality with these drawings, he is respectfully requested to notify applicant's representative so that suitable corrections can be timely made prior to issuance of this patent.

The specification is objected to because of a number of minor informalities. The Examiner objects to page 7, lines 28 and 29, because this refers to Figures 1-3 and discusses elements 10, 12 and 14. The Examiner observes that these elements are not shown in Figures 2 and 3. However, the reference is to Figures 1-3 and the Examiner apparently realizes that these structures are shown in Figure 1. Actually, the structures are actually shown in Figures 2 and 3 as well - they are just not separately labeled.

There is believed to be no basis for any requirement that all figures show all referred to elements. Figure 1 is a broad cross-sectional view showing the wing aileron and aileron actuator, along with the subject matter of applicant's invention. Figure 2 is a bottom plan view of one aileron and Figure 3 is a cross-sectional view of the primary portions of the aileron fairing. Should the Examiner continue to object to this drawing, he is respectfully requested to point out where in the Manual of Patent Examining Procedure (MPEP) there is support for an objection to the drawings because all elements are not shown in every drawing.

The discussion in the specification at page 8, line 1 has been objected to by the Examiner. The text has been amended to consistently refer to either aileron actuator jack 16 or actuator jack 16 (as a shorthand version of aileron actuator jack

16). The remaining objections noted in the specification have been obviated by the above amendment. Any further objection to the specification is respectfully traversed.

Applicant notes paragraph 5 in the outstanding Official Action. However, it is unclear from this paragraph as to whether the Examiner is making an objection or rejection of the claims, or is merely stating Patent Office procedure.

Clarification of the Examiner's intent in paragraph 5 of the Official Action is respectfully requested.

In section 7 of the Official Action, claims 1-10 and 13-17 stand rejected under 35 USC §102(b) as being anticipated by Williams (U.S. Patent 5,071,092 cited as reference A in the attachment to Paper No. 9).

The Williams patent discloses a plurality of overlapping fingers made of either "spring steel" or "plastic or nylon" (column 2, lines 26 and 29). The use of such fingers is discussed in the Background of the Invention portion of the present application at page 3, lines 3-22. Applicant pointed out that it is well known that where such fingers perform well "they have a relatively short life." Where the fingers are made of steel, there is a requirement of prestressing and the substantial

amount of movement of the fingers subjects them to the problems of metal fatigue. Such devices are also “complicated and thus expensive to manufacture.”

The present invention, as claimed, requires that the flexible seal member comprise “a composite sheet element” rather than a plurality of fingers. The sheet element is of “rubber-like material” whereas the structure in Williams comprising “steel” and “nylon” is certainly not a flexible material.

Further, applicant’s claim requires that the rubber-like material incorporate “a plurality of reinforcing plies” wherein each ply comprises “one or more fabric elements.” There is no disclosure of reinforcing plies or reinforcing plies with fabric elements set out in the Williams patent.

Quite clearly, Williams fails to disclose the elements recited as well as the interrelationships between elements recited in applicant’s independent claims 1, 14, 15, 16 and 17.

The Examiner attempts to overcome the fact that Williams does not teach all of the elements or the interrelationship of elements recited in applicant’s claims by suggesting that it is “well known in the art” to utilize flexible materials with a plurality of plies to prolong the life of flexible seal arrangements. Applicant respectfully traverses the Examiner’s assertion to the extent that it alleges that it is

well known to use applicant's claimed combination of elements in the manner of applicant's claim. The Examiner, pursuant to the Manual of Patent Examining Procedure (MPEP) Section 2144.03, is respectfully requested to point out the support for the PTO position.

Furthermore, applicant's specification suggests that the operational result of applicant's combination of elements was "surprisingly" operative, whereas it was not thought that such a single element would be able to withstand the movement required while displaying sufficient resilience to maintain sealing contact at all times. The fact that a composite rubber seal with fabric reinforcement could be made and was capable of meeting the stringent demands of such seals was indeed unobvious.

Should the Examiner traverse applicant's suggestion of unobviousness and unexpected benefit, applicant retains the right to submit appropriate declarations from experts familiar with these problems. However, in view of the Examiner's failure to cite prior art teaching each of the claimed elements and their claimed interrelationship, there is believed to be no basis for a rejection of the claims either under §102 as applied in the outstanding Official Action or under §103 as might be applied in the future.

JOHNSON

Serial No. 09/048,838

Having responded to all objections and rejections set forth in the outstanding Official Action, it is submitted that claims 1-17 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, the Examiner is respectfully requested to contact applicant's undersigned representative.

Respectfully submitted,

NIXON & VANDERHYTE P.C.

By: _____



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Attachment:

Submission of Formal Drawings